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ABSTRACT

This summary of the Education of the Handicapped Act Amendments of 1990, Public Law 101-476, identifies how these Amendments extend and expand special education research, demonstration, and training programs of the Individuals with Disabilities Education Act (IDEA). IDEA authorizes three state formula grant programs and several discretionary grant programs. The basic state grant and preschool state grant are permanently authorized. The infants and toddlers state grant (Part H) is authorized through fiscal year (FY) 1991. The 1990 reauthorization legislation focuses first on increasing opportunities for minorities and the economically and educationally disadvantaged and, second on increasing availability of transition services that help individuals with disabilities move from special education into either further education or work and independent living. Two new grant programs were established: the personnel training grants for Historically Black Colleges and Universities and other minority institutions, and a 5-year competitive state grant program for joint projects to improve transition services. Other provisions of the 1990 Amendments address: the Act's name; eligibility of children with autism and traumatic brain injury for special services under IDEA; the operational definition of Attentional Deficit Disorder; litigation rights; and discretionary grant program process. The Amendments increase authorization levels from $309 million for FY 1991 to $408 million for FY 1994. Each of the eight parts of the Act is summarized: Part A, General Provisions; Part B, Assistance for Education of All Individuals with Disabilities; Part C, Centers and Services to Meet Special Needs of Individuals with Disabilities; Part D, Training Personnel for the Education of Individuals with Disabilities; Part E, Research in the Education of Individuals with Disabilities; Part F, Instructional Media for Individuals with Disabilities; Part G, Technology, Educational Media, and Materials for Individuals with Disabilities; and Part H, Infants and Toddlers with Disabilities. (DB)

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Education of the Handicapped Act Amendments of 1990, P.L. 101-476: A Summary

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March 28, 1991

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EDUCATION OF THE HANDICAPPED ACT AMENDMENTS OF 1990, P.L. 101-476: A SUMMARY

SUMMARY

The Education of the Handicapped Act Amendments of 1990, P.L. 101-476, extends and expands special education research, demonstration, and training programs of the Individuals with Disabilities Education Act (IDEA). (Formerly, the Act was the Education of the Handicapped Act (EHA).) The Individuals with Disabilities Education Act is the main Federal law that provides for the education of disabled infants, toddlers, children, and youth from birth through age 21.

To provide for the education of the disabled, IDEA authorizes three State formula grant programs and several discretionary grant programs. The basic State grant and preschool State grant are permanently authorized in Part B of the Act, and the infants and toddlers State grant is authorized through FY 1991 in Part H. The discretionary grant programs provide for research and demonstrations, dissemination of information to teachers and parents, some direct services for children, and training for special education personnel in Parts C through G. P.L. 101-476 makes minor changes to the State grant programs and reauthorizes the discretionary grant programs through FY 1994.

Two major themes of the 1990 reauthorization legislation are increasing opportunities for minorities and the economically and educationally disadvantaged to fully participate and benefit from the Act, and increasing the availability of transition services that help disabled infants, toddlers, children, and youth move from special education to either further education or work and independent living. To these ends, two new grant programs were established. One is the personnel training grants for Historically Black Colleges and Universities and other minority institutions program, and the other is a one time 5-year competitive State grant program for joint projects for the improvement of transition services. In addition, the Secretary of Education must award grants to minority higher education institutions to help them compete in IDEA discretionary grant competitions.

Other provisions of the EHA Amendments of 1990 include changing the name of the Act to the Individuals with Disabilities Education Act; adding autism and traumatic brain injury to the list of disabilities that qualify a student for special education and related services under IDEA; requiring a public comment period on how Attention Deficit Disorder should be operationally defined; allowing suits in Federal courts against the States to enforce disabled students' rights; requiring the Secretary to maintain a process for developing a program plan for implementing the discretionary grant programs; and initiating several new programs and research projects, among them research on children with serious emotional disturbance, information centers on Attention Deficit Disorder, and ombudsman model demonstration programs.

Authorization levels for the discretionary grant programs in Parts C through G were $202 million in FY 1990. The amendments increase authorization levels for these programs from $309 million for FY 1991 to $408 million for FY 1994.

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EDUCATION OF THE HANDICAPPED ACT AMENDMENTS OF 1990, P.L. 101-476: A SUMMARY

The Education of the Handicapped Act Amendments of 1990, P.L. 101-476, extends and expands special education research, demonstration, and training programs of the Individuals with Disabilities Education Act (IDEA).[1] The Individuals with Disabilities Education Act is the main Federal law that provides for the education of disabled infants, toddlers, children, and youth from birth through age 21.[2]

To provide for the education of the disabled, IDEA authorizes three State formula grant programs and several discretionary grant programs. The basic State grant and preschool State grant are permanently authorized in Part B of the Act, and the infants and toddlers State grant is authorized through FY 1991 in Part H. The discretionary grant programs provide for research and demonstrations, dissemination of information to teachers and parents, some direct services for children like loan services for captioned films, and training for special education personnel in Parts C through G.[3] P.L. 101-476 makes minor changes to the State grant programs and reauthorizes the discretionary grant programs through FY 1994.

Two major themes of the 1990 reauthorization legislation are increasing opportunities for minorities and the economically and educationally disadvantaged to fully participate and benefit from the Act, and increasing the availability of transition services to all disabled infants, toddlers, children, and youth. The Education of the Handicapped Act Amendments of 1990 changed the name of the Act to the Individuals with Disabilities Education Act; added two new disabilities to the list of disabilities that qualify a student for special education and related services under IDEA; and initiated several new programs and research projects.

The following is a summary of the major changes made in the Individuals with Disabilities Education Act.

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[1]P.L. 101-476 was signed on Oct. 30, 1990. The Education of the Handicapped Act Amendments of 1990 originated in the Senate as S. 1824. The companion bill in the House of Representatives was H.R. 1013.

[2]20 U.S.C. 1400 et seq.

[3]For background, see: U.S. Library of Congress. Congressional Research Service. *Education of the Handicapped Act Discretionary Programs: Background and Current Issues*. CRS Report for Congress No. 89-67 EPW, by Margot A. Schenet. Washington, 1989.

GENERAL PROVISIONS--PART A

Part A establishes the general provisions of IDEA. Among the significant changes in Part A are an expansion of the definition of children with disabilities, allowance of suits in Federal courts against the States to enforce IDEA, the addition of administrative provisions, and requiring the Secretary of Education to award grants to minority higher education institutions to help them compete in IDEA discretionary grant competitions.

Definitions

The amendments expand the definition of "children with disabilities" in section 602(a) of IDEA to include specifically children with autism and traumatic brain injury (TBI). Formerly, autism was included by regulations as a type of condition covered by the more general category of "other health impaired."

The definition of "special education" is expanded to include instruction conducted in settings other than schools and traditional classrooms like recreational centers. The definition of "related services" now specifically includes therapeutic recreation, social work services, and rehabilitation counseling.

A definition of "transition services" is established. The term means activities designed to promote relatively easy movement from school to post-school activities. In addition, the definition of "individualized education program" is modified to require a statement of the needed transition services for students beginning no later than age 16, and where appropriate at the age of 14 or younger. A new requirement is also added that applies only to transition services: the individualized education program team must reconvene to find alternative providers of transition services if they are not delivered as outlined to the student.

A definition of "assistive technology device" is established. The term means any item, piece of equipment, or product system that is used to improve the ability of individuals with disabilities to live as normally as possible. A definition of "assistive technology service" is also established. The term means any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device.

A new definition of "underrepresented" populations includes minorities, the poor, the limited English proficient, and individuals with disabilities.

Attention Deficit Disorder Notice of Inquiry

The U.S. Department of Education must collect public comments on an operational definition of Attention Deficit Disorder (ADD), and report its findings to the Congress. This requirement results from the conference agreement on this legislation, and is a compromise on the question of whether to include ADD in the definition of disabling conditions in IDEA. The conferees

also agreed to the establishment of centers to disseminate current knowledge about ADD (see page 20).

Attention Deficit Disorder is a syndrome whose essential feature is an inability to concentrate on the task at hand for an appropriate period of time. Currently, children with ADD do not qualify for special education and related services under IDEA because ADD is not specifically included in IDEA's definition of eligible disabilities. Children with ADD may only qualify under IDEA if they also have an eligible disability identified in law or regulations.

Children with ADD, however, may qualify for special education under the protection of another Federal law: Section 504 of the Rehabilitation Act of 1973.[4] Section 504 prohibits discrimination solely on the basis of handicap against otherwise qualified persons with handicaps in federally assisted programs or activities.[5] The definition of handicap in section 504 does not specifically include ADD; the definition is broad in nature, and includes physical and mental impairments that limit major life activities.[6] Most local school districts are subject to the requirements of section 504 since most of them receive Federal assistance. Recent rulings by the U.S. Department of Education, Office for Civil Rights, indicate that local schools may have to provide children with ADD special education in certain circumstances.[7]

A Notice of Inquiry was published in the *Federal Register* on November 29, 1990 to collect comments on issues specified in P.L. 101-476. The specific issues are:

- How should the disorder be described operationally for purposes of qualifying a child for special education and related services;
- What criteria should be included in the definition to qualify children with the disorder whose disability is comparable in severity to other children with disabilities currently determined to be eligible for special education and related services;
- What specific manifestations of the disorder, if any, should be included in the definition;

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[4]29 U.S.C. 794.

[5]For further information on section 504, see: U.S. Library of Congress. Congressional Research Service. *Section 504 of the Rehabilitation Act: Statutory Provisions, Legislative History, and Regulatory Requirements*. CRS Report for Congress No. 89-48 EPW, by Mary F. Smith. Washington, 1989.

[6]Ibid., p. 3.

[7]U.S. Congress. Committee of Conference. *Education of the Handicapped Act Amendments of 1990*. House Report No. 101-787, 101st Cong., 2nd Sess., Washington, GPO, 1990. p. 54.

- Should the definition include references to characteristics or circumstances that produce sporadic inattentive behaviors that, in and of themselves, would not make a child eligible for special education and related services under the definition of the disorder;

- Should the definition address the concurrence of this disorder with other disabilities such as specific learning disabilities or serious emotional disturbance, and if so, how should this be accomplished;

- Should the Department provide guidelines to State and local educational agencies on their obligation to conduct an evaluation of a child suspected of having this disorder, and a description of such guidelines;

- Who should be authorized to conduct an assessment of a child having or suspected of having the disorder and should this assessment be conducted by more than one individual; and

- What provisions should be included in the definition and what additional steps, if any, should be included in the regulations so that racial, ethnic, and linguistic minorities are not misclassified under this definition.

The comment period closed on March 29, 1991. No later than 30 days after the close of the comment period, the public comments, including a summary, must be sent to the Senate Committee on Labor and Human Resources and the House Committee on Education and Labor.

State Immunity in Federal Court

A new section 604 eliminates a State's immunity under the Eleventh Amendment to the Constitution from suit in Federal court for a violation of IDEA. The section makes available the same remedies for a violation by a State that are available for any violation by any other public entity. This section applies only to those violations that occur after October 30, 1990 (the date of enactment of P.L. 101-476).

This amendment is intended to reverse the Supreme Court decision in *Dellmuth v. Muth*.[8] This 1989 case held that children with disabilities who are denied a free appropriate public education by any State are not entitled to be reimbursed for tuition paid by their parents for placement in an appropriate program. The decision holds that States are immune from suit in Federal court for any violation of IDEA because of the Eleventh Amendment to the Constitution. According to the House committee report to P.L. 101-476, ". . . Congress intends that States are not immune under the Eleventh Amendment

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[8]491 U.S. 223

of the Constitution of the United States from suit in Federal court for violation of the Act."[9]

Administrative Provisions Applicable to Parts C Through G

A new section 610 consolidates administrative provisions generally applicable to Parts C through G and section 618 (Evaluation) including the incorporation of provisions for expert panels formerly included in section 643. In general, section 610 is intended to assist in long range planning; improve evaluations of programs and provide feedback on them; and ensure that the results and new knowledge developed through the discretionary grant programs receive maximum dissemination. These administrative provisions include:

- A process for developing a program plan for the implementation of each of the discretionary grant programs, and the submission of these program plans to the Congress in the annual report;
- A new requirement for applicants for discretionary grants to address the needs of minority persons;
- Allowing the Secretary to require discretionary grant applicants to address the various transitional needs that a child may have throughout the child's years in school;
- A requirement for independent evaluations by the Secretary of all programs, and the submission of the results of these evaluations to the Congress in the annual report;
- The development by the Secretary of effective ways to gather and disseminate study and project results of the discretionary grant programs;
- A new requirement that grant recipients disseminate information about their projects;
- Evaluation panels, convened by the Secretary to evaluate proposals over $60,000, must now include individuals from the field of related services, and include a majority of nonfederal members;[10] and
- A requirement that the Department conduct annually at least one site visit for every grant receiving $300,000 or more.

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[9]U.S. Congress. Committee on Education and Labor. *Education of the Handicapped Act Amendments of 1990*. House Report No. 101-544, 101st Cong., 2nd Sess., Washington, U.S. GPO, 1990. p. 12.

[10]The authority for this panel was formerly provided under Section 643. There is no significant change in this provision except for the inclusion of proposals under Section 618.

A section on education goals for minorities and underrepresented persons includes findings and policy recommendations on addressing the growing needs and problems of minorities and underrepresented persons as they relate to special education issues.

The policy recommendations include, for FY 1991 through FY 1994, establishing a 1 percent set aside from all the IDEA discretionary grant funds for outreach to minority higher education institutions to assist them in applying for all the IDEA discretionary grant programs. Annual progress reports to Congress on the goals are required.

ASSISTANCE FOR EDUCATION OF ALL INDIVIDUALS WITH DISABILITIES--PART B

Part B authorizes the basic State grant program and the preschool grant program. These programs assist the States in serving children and youth with disabilities between the ages of 3 and 21. These grant programs are permanently authorized.

Part B authorizes the basic and preschool State formula grant programs and contains provisions that govern them. The amendments did not significantly alter these formula grant programs, but did change some other provisions within Part B. These changes include the restoration of preschool services for some Native American children, the strengthening of the comprehensive system of personnel development under State plans, the revision and expansion of evaluations and special studies, and changes in the content of the annual report that the U.S. Department of Education submits to Congress.

Preschool Services for Native Americans

The amendments effectively restore preschool services for children with disabilities on those Indian reservations that had lost services due to administrative actions of the U.S. Department of the Interior. In January 1989 the Interior Solicitor ruled that the Bureau of Indian Affairs (BIA) contracts with tribes and public schools/Headstart programs, which provide preschool services on reservations without BIA funded schools, must be terminated because of a new BIA policy to limit services to those reservations with BIA funded schools. The consequence of the Interior Solicitor decision was to deny services to those Indian children ages 3-5 who lived on reservations without a BIA funded school. Section 611 of IDEA now allows those tribes and public schools/Headstart programs that had provided services to once again be awarded contracts, thereby restoring services.

The amendments also require the Secretary of the Interior to develop a plan to provide services to all preschool children with disabilities, whether or not they live on a reservation that is served by a BIA funded school. The plan must

include a strategy to coordinate services between Tribes, States, and the Federal Government. A report on this plan was due to the Congress by March 1, 1991.

State Plans

The amendments strengthen the comprehensive system of personnel development (CSPD) by setting more stringent requirements of the system in section 613. The new requirements are:

- A description of State procedures and activities to provide an adequate supply of qualified special education and related services personnel. Specifically, the CSPD must include a special education data collection system on the number of personnel employed by type and area of specialization;

- The development, updating, and implementation of a plan that will address current and projected special education and related services personnel needs; and coordinate and facilitate efforts in the State to recruit, prepare, and retain qualified personnel, including personnel from minority backgrounds, and personnel with disabilities; and

- A description of the procedures and activities to provide that all personnel necessary to carry out Part B are appropriately and adequately prepared.

Evaluation and Program Information

The amendments revise and expand the evaluations, special studies, and the annual report provisions of section 618 of Part B.

Evaluations

The Secretary of Education must now carry out additional data collection and studies to assess progress in the implementation of IDEA. Section 618(b)(1) now requires:

- Data collection for the number of children and youth with disabilities leaving the educational system each year through program completion or otherwise, by disability category, for each of the ages 14 through 21 (formerly, reporting was for age groups 3-5, 6-11, 12-17, and 18-21); and

- A description at least every 3 years of the services expected to be needed for those with disabilities in the age groups 12-17 and 18-21 who have left the educational system.

Data collection on State and local expenditures for special education and related services, however, is no longer required.

Section 618(b)(2) will require, beginning with FY 1993, data collection through the comprehensive system of personnel development, as well as the collection of other personnel data. A new section 618(b)(3) requires that the U.S. Department of Education provide technical assistance to the States to achieve accurate and comparable information.

Section 618(c) is substantially changed from requiring studies of the impact of the Act to requiring studies, analyses, syntheses, and investigations for improving State and local program management, administration, delivery, and effectiveness. These studies must gather information on:

- Appropriate criteria and procedures to identify, evaluate, and serve minority infants, toddlers, children, and youth with disabilities;
- Effective early intervention services, special education, and related services to meet the complex and changing needs of those with disabilities;
- The comprehensive system of personnel development;
- Practices that integrate disabled children with nondisabled children;
- The effective management of personnel and fiscal resources;
- Programs and services that improve the likelihood of a successful transition when children and youth leave special education;
- Achieving interagency coordination;
- Strengthening parent-school communication and coordination; and
- Assistance that teachers and other professionals need to be effective.

Special Studies

Special studies funded under section 618(e) must now include recommendations for improving programs and services, and, beginning in FY 1993, and every third year thereafter, the Secretary must announce proposed special studies priorities for review and comment. In selecting priorities for FY 1991-FY 1994, the Secretary must give priority consideration to:

- Completing a longitudinal study (started in 1983) examining transition issues;
- A national study on the types of related services provided to children with disabilities by disability category;

- A study examining the degree of disparity among the States in the educational placement (for example, resource room, homebound) of children and youth with similar disabilities;

- A study on why there is a decline in the number of children classified as mentally retarded;

- A study of residential programs (both public and private) outside the local school district for children and youth who are seriously emotionally disturbed; and

- A study that examines factors that influence referral and placement decisions for minority children and youth with disabilities relative to other children.

A new section 618(f) requires that information obtained from section 618(c) studies and section 618(e) special studies be better collected and disseminated to improve local program administration and management.

Annual Report

The existing annual report on the progress being made toward the provision of a free appropriate public education and early intervention services required under section 618(g) must now include:

- A compilation and analysis of data gathered under Part H (Infants and Toddlers with Disabilities); and

- The results of research and related activities conducted under Part E (Research in the Education of Individuals with Disabilities) that are relevant to the implementation of IDEA.

Many required components of the annual report have been removed. These include:

- An index and summary of evaluations and studies;

- An analysis of children and youth with disabilities in vocational education;

- An analysis on mainstreaming;

- Any recommendations for changes in IDEA;

- Several data reporting requirements, including data reported under sections 621, 623, 641, 661, and the former section 627 (Program Evaluations); and

- A FY 1988 requirement for information of the special education needs of minority children with disabilities.

CENTERS AND SERVICES TO MEET SPECIAL NEEDS OF INDIVIDUALS WITH DISABILITIES–PART C

Part C authorizes several discretionary programs: regional resource and Federal centers, services for deaf-blind children and for severely disabled children, early childhood education, postsecondary education, and transitional services for youth with disabilities. Among the significant changes in Part C are the establishment of new projects to improve transitional services for youth with disabilities, and programs for children and youth who are seriously emotionally disturbed.

Regional Resource and Federal Centers

The amendments focus the regional resource centers under section 621 of IDEA more explicitly to State needs. The centers are intended to aid the States in the administration of the Federal programs for students with disabilities. Each center must now provide training as requested by the States, and services consistent with the priority special education, related services, and early intervention needs identified by the States. Prior to P.L. 101-476, services provided were those recommended by the U.S. Secretary of Education in monitoring reports.

The Secretary's authority over the national coordinating technical assistance center (Federal center) is restricted by listing four activities in subsection (d) that the center must carry out:

- Training for potential grant applicants;
- Technical assistance to improve the education of minority children;
- Exchanges and cooperation with other centers addressing the needs of minority children; and
- Assistance for the training of hearing officers.

The assistance for the training of hearing officers is intended to support the ongoing training programs of the States, and is in response to concerns about the general status and expertise of hearing officers.

The amendments also require the Secretary, in consultation with a panel, to develop proposed guidelines and criteria for the operation of regional and Federal resource centers by July 1, 1991.

Services for Deaf-Blind Children and Youth

The amendments expand services to deaf-blind infants and toddlers. Section 622 provides technical assistance to States, and now local school districts as well, to aid them in educating deaf-blind children and youth; funds model demonstration projects; and delivers direct services to a limited number of deaf-blind students. Specific changes include:

- Defining the term "deaf-blind;"
- Authorizing pilot projects that leverage local school district funds to finance additional services to deaf-blind children and youth, with the goal that these additional services will eventually be funded solely by local authorities and the State;
- Authorizing innovative projects that aid deaf-blind students adjust to special education;
- Allowing programs to include the evaluation of infants, toddlers, children and youth likely to be diagnosed as deaf-blind;
- Authorizing grants to programs that prepare deaf-blind adolescents for independent living;
- Expanding the reporting requirements of grant recipients to include the number of deaf-blind children served by gender, the types of settings in which services are provided, and student outcomes (i.e., student achievement scores, student progress, completion rates, etc.);
- Requiring a national clearinghouse on deaf-blindness to collect and disseminate information to parents and schools; and
- Deleting the authority for demonstration programs on the implication for deaf-blind children of extending their school year.

Early Education for Children with Disabilities

Section 623 supports research, dissemination, demonstration, and other projects in the area of early education for children with disabilities. The activities and services authorized under section 623 are expanded to include: family education and parent training; promoting the use of assistive technology devices and services; and facilitating the early identification of infants and toddlers with disabilities and their transition from medical care to other services and education.

In response to concern about "crack babies," authority is added for projects that increase the understanding of the early intervention and preschool needs of children exposed prenatally to maternal substance abuse. The Secretary must

now support research on programs that integrate children with disabilities into regular preschool programs.

Provisions to strengthen technical assistance and dissemination include:

- Requiring the section 623(b) technical assistance development system to provide additional assistance to parents, advocates, and the State lead agencies for the Part H early intervention program;
- Requiring the section 623(c) early childhood research institutes to improve their dissemination practices; and
- A new subsection (g) authorizing the Secretary to organize, and disseminate preschool and early intervention knowledge developed under this section.

Programs for Children with Severe Disabilities

Section 624 supports research, personnel training, and dissemination projects to meet the needs of the severely disabled. The amendments emphasize educating the disabled and nondisabled together. New priority projects include:

- Research on special transportation needs;
- Training of special and regular education, related services and early intervention personnel in strategies for educating disabled and nondisabled infants, toddlers, children and youth in integrated settings; and
- Statewide projects to improve the quality of special education and related services, and to change the delivery of those services from segregated to integrated classrooms and other settings.

A new subsection (b) allows demonstration programs that extend the school year for infants, toddlers, children, and youth with severe disabilities. A new subsection (e) requires funding priority be given to programs that increase the likelihood that children and youth with severe disabilities will be educated with their nondisabled peers.

Postsecondary Education

The amendments clarify that the section 625 postsecondary, vocational, technical, continuing, and adult education model programs for individuals with disabilities may include joint projects that coordinate with special education and transition services. Section 625 grants are awarded on a competitive basis, with first consideration given to four regional centers for the deaf, and second consideration given to model programs for individuals with disabling conditions other than deafness. The amendments reserve $4,000,000 of each year's appropriation for section 625 for the regional centers. When awarding model

program grants, the Secretary must now give priority consideration to postsecondary projects that provide technical assistance in meeting the special needs of individuals with disabilities.

Secondary Education and Transitional Services for Youth With Disabilities

The amendments strengthen section 626 transition services in several ways. In addition to changes in existing efforts, new joint projects for the improvement of transition services are authorized.

Existing Programs

Subsection (a) authorizes projects to serve the general purpose of improving secondary education and transition services for children and youth with disabilities. The amendments expand the purpose outlined in subsection (a)(1) to include providing transition services to youth with disabilities currently in school or who have recently left school to assist them in their transition to independent and community living. Subsection (b) lists specific projects that further the objectives of subsection (a). The list is expanded to include:

- Demonstration models, studies, and exemplary programs and practices that increase disabled individuals' chances of independent and community living;
- Studies of why some disabled students complete high school while other disabled students do not;
- Projects that develop curriculum and instructional techniques that help disabled students learn transition skills;
- Physical education and therapeutic recreation programs; and
- Programs for students who use assistive technology devices and services.

The amendments require the direct participation of students with disabilities and their parents in the planning of projects funded under subsection (a).

The redesignated subsection (f) authorizes demonstration models that now must include demonstration models that promote the use of assistive technology devices and services during a student's transition from secondary school to either employment or postsecondary education. The redesignated subsection (g) now requires section 626 programs to be coordinated with projects under the Rehabilitation Act of 1973, the Job Training Partnership Act, and the Carl D. Perkins Vocational and Applied Technology Education Act.

Joint Projects for the Improvement of Transition Services

A one time, 5-year competitive State grant program for joint efforts between State vocational rehabilitation agencies and State education agencies to improve transition services for youth with disabilities from age 14 through the age they exit school is authorized in a new subsection (e).

States that receive grants must use the funds to:

- Increase the availability, access, and quality of transition assistance;
- Improve the training of professionals, parents, and advocates to help disabled students make the transition to adulthood;
- Improve working relationships among teachers, administrators, the private sector, and families on the general nature and specific application of transition services; and
- Create an incentive for schools, agencies, and other relevant parties to access and use the expertise and resources of federally and privately funded programs, projects, and activities related to transition.

States that apply for the grants must describe how they would plan, develop, implement, and evaluate transition services. The Secretary must give preference to States that describe how they will:

- Target resources to school settings;
- Target a substantial amount of funds to case management, program evaluation, and documentation and dissemination of information about transition services;
- Provide incentives for interagency and private sector resource pooling;
- Provide for early, ongoing information and training for those who could be involved in providing and receiving transition services;
- Provide for the early and direct involvement of all relevant parties in planning and operating transition services;
- Match job training to labor market needs;
- Integrate transition services with other relevant services that are available in communities; and
- Ensure that eligible youth be served in accordance with the Rehabilitation Act of 1973.

The Secretary must evaluate these joint projects. The redesignated subsection (f) authorizes one competitively awarded 5-year cooperative agreement to document the results of these projects. The results of this evaluation are to be included in the annual report to Congress.

A separate authorization of appropriations is included in section 628 for the joint projects. The authorization increases from $27,500,000 for FY 1991 to $36,602,000 for FY 1994.

Programs for Children and Youth With Serious Emotional Disturbance

A new program for students with serious emotional disturbance (SED) is created. The new section 627 authorizes discretionary projects (subsection (a)) and local school demonstration projects (subsection (b)) to improve and provide special education and related services to children and youth with serious emotional disturbance. Discretionary projects may include:

- Studying the present state of special education and related services to children and youth with SED and their families;
- Developing methods and curricula to improve special education and related services for these children and youth;
- Developing and demonstrating strategies and approaches to reduce the use of out-of-community residential programs and to increase use of school district-based programs;
- Developing the knowledge, skills, and strategies for effective collaboration among special education, regular education, related services, and other professionals and agencies to help these children and youth; and
- Developing and demonstrating innovative approaches to prevent children and youth with emotional and behavioral problems from developing serious emotional disturbances.

Local school demonstration projects, in collaboration with mental health agencies, must:

- Increase the availability, access, and quality of community services through the cooperating mental health agency for these children and youth and their families;
- Improve working relationships among education, school, and community mental health and other relevant personnel, families, and their advocates to help these children and youth;

- Expand the availability of mental health services in the schools for children and youth with SED; and

- Take into account the needs of minority children and youth with SED.

These local projects may use their grants to leverage private funding to improve services to children with serious emotional disturbance. Each project assisted under this section must utilize contemporary concepts in treating children with SED; use a grant evaluation plan that focuses on the actual benefits gained; report on its effectiveness; and disseminate its findings.

A separate authorization of appropriations is included in Section 628 for this new section. The authorization increases from $6,500,000 for FY 1991 to $11,500,000 for FY 1994.

TRAINING PERSONNEL FOR THE EDUCATION OF INDIVIDUALS WITH DISABILITIES--PART D

Part D authorizes grants for personnel training; grants to State educational agencies and institutions for traineeships; and clearinghouses on children and youth with disabilities, postsecondary education for individuals with disabilities, and careers in special education. Among the significant changes in Part D are the authorization of personnel training grants to minority institutions of higher education, changes in the membership of parent training center boards, and an expansion of duties for the clearinghouses.

Grants for Personnel Training

Section 631 of IDEA authorizes three programs to train special education personnel and assist parents of children with disabilities. Subsection (a) authorizes higher education grants for training personnel for careers in special education, related services, and early intervention; subsection (b) authorizes special preservice and inservice training projects for both regular education and special education personnel; and subsection (c) authorizes parent training and information centers.

Higher Education Training Grant Program

Several changes were made in the training grant program (subsection (a)) to increase the number of minorities in special education careers:

- The Secretary of Education must base funding decisions on the need for personnel to serve disabled children who are limited in their English proficiency;

- All grant applicants must describe how they will recruit and train members of minority groups and persons with disabilities to be special education and related services personnel;

- Institutions that receive training grants must give priority in the selection of qualified recipients of fellowships and traineeships to individuals from disadvantaged backgrounds; and

- The Secretary must award personnel training grants to Historically Black Colleges and Universities, and other institutions of higher education whose minority enrollment is at least 25 percent (section 631(a)(7)). A separate authorization of appropriations is included in section 635 for this new program. The authorization increases from $19,250,000 for FY 1991 to $25,621,750 for FY 1994.

Special Preservice and Inservice Training Projects

The amendments reorient the special training projects under section 631(b) to support projects that prepare educators to work with families with disabled infants, toddlers, and children; secondary school disabled students; infants and toddlers with disabilities; and minority infants, toddlers, children, and youth with disabilities. These special projects may also include training in the use of assistive and instructional technology, and the recruitment and retention of special education personnel. Training must include instruction on how to coordinate programs and services with regular educators.

Parent Training and Information Centers

The amendments require that the board of directors or special governing committees of the parent training and information centers authorized under section 631(c) be composed of a majority of parents, including minority parents and professionals. Previously, minority parents and professionals were not specifically identified as required board or committee members.

The amendments require these centers to adequately serve parents of minority children with disabilities, and that the Secretary fund these centers so that they will sufficiently serve the geographic area they cover. The amendments also require the Secretary, after each State has a center (currently, only the District of Columbia does not have a center), to establish three experimental centers to serve exclusively urban areas not served with their own parent center, and two centers to serve rural areas. Beginning in FY 1991, the Secretary must collect data on who the centers serve and how, and summarize these findings in the annual report to Congress.

Grants to State Educational Agencies and Institutions for Traineeships

Section 632 aids States in meeting their personnel needs as identified in their comprehensive plans for personnel development. The amendments expand section 632 preservice and inservice training programs for special education personnel to regular education, related services, and early intervention personnel. The amendments also authorize grants to assist States to develop and maintain their comprehensive system of personnel development and conduct

recruitment and retention activities. Technical assistance to the States on their comprehensive system of personnel development is newly authorized.

Clearinghouses

The amendments revise and expand the duties of the three national clearinghouses authorized under section 633. The clearinghouses on children and youth with disabilities, postsecondary education for individuals with disabilities, and careers in special education now have six common functions:

- Collect, develop, and disseminate information;
- Provide technical assistance;
- Conduct coordinated outreach activities;
- Coordinate with other organizations;
- Respond to requests for information; and
- Prepare information for dissemination.

The clearinghouse for children and youth with disabilities must now focus on collecting and disseminating information on the characteristics of infants, toddlers, children and youth with disabilities, and on programs, legislation, and services for them; promoting coordination; and serving underrepresented groups such as those with limited English proficiency.

The clearinghouse on postsecondary education for individuals with disabilities must now focus on collecting and disseminating information on the characteristics of disabled individuals in education and training programs after high school, legislation, services and programs, and sources of financial aid for disabled students; identifying areas of need for additional information; and developing a network for disseminating information and promoting awareness of relevant postsecondary issues.

The clearinghouse on careers in special education must now focus on collecting and disseminating data on current and future personnel needs; disseminating information on career opportunities in special education and related fields to high school counselors; and providing technical assistance to institutions seeking to meet State and professionally recognized standards for their schools of education.

In overseeing the clearinghouses, the Secretary must give priority consideration to applicants with experience in serving minorities. Beginning in FY 1991, the Secretary must collect data on who the clearinghouses serve and how, and summarize them in an annual report to Congress.

RESEARCH IN THE EDUCATION OF INDIVIDUALS WITH DISABILITIES--PART E

Part E authorizes research and demonstration projects. Among the significant changes in Part E are the creation of Attention Deficit Disorder Centers and ombudsman model demonstration programs.

Research and Demonstration Projects

The amendments establish specific objectives for the research and demonstration projects funded under section 641 of IDEA. The amendments emphasize the importance of dissemination and improvement of special education teaching practice as goals for the authorized research and demonstration projects. New projects designed to improve the instruction and learning of infants, toddlers, children, and youth with disabilities include:

- The compilation of current knowledge about how to best teach students with disabilities and the identification of topics where further research is needed;
- Research on the development and learning characteristics of infants, toddlers, children, and youth with disabilities;
- The evaluation of new approaches and techniques that may help students with disabilities to learn;
- The testing of research findings in actual education and service settings to see if they can be applied in schools across the Nation;
- Research on how best to help families of disabled students, minority students with disabilities, and disabled students with limited English proficiency; and
- The study of factors like school setting, program organization, and funding, that best facilitate learning for disabled students.

To improve the training and teaching ability of special education, related services, and early intervention personnel, projects are specifically authorized on:

- How special education, related services, and early intervention personnel learn new information and skills on teaching disabled students;
- Preparing information on new teaching techniques so that it can be taught to teachers and other related personnel through existing training programs; and

- The expansion and improvement of dissemination programs for teachers and other related personnel.

Other amendments to section 641 include the annual, instead of biennial, publication of the Education Secretary's research priorities for Part E projects for the coming fiscal year, and coordination of these priorities with the research priorities of the National Institute for Disability and Rehabilitation Research. Once priority projects are established, they are generally funded through separate competitions.

Attention Deficit Disorder Centers

Centers to organize, synthesize, and disseminate current knowledge about children with Attention Deficit Disorder are authorized under a new section 641(f). Also in regard to ADD, the amendments require the U.S. Department of Education to collect public comments on an operational definition of ADD (see page 2). The centers must provide information on:

- Assessment techniques, instruments, and strategies used for the identification, location, evaluation, and the measurement of progress that children with ADD make in school;

- Skills needed by professionals providing special and regular education and related services to these children;

- Factors, like classroom design, the types of personnel needed, and support services, that best facilitate the learning of ADD children;

- Developmental and learning characteristics of ADD children;

- Instructional strategies, techniques, and activities, along with the instructional tools such as textbooks, media, materials, and technology, that are effective with ADD children; and

- Strategies, techniques, and activities on how to involve families in the education of their ADD children.

Ombudsman Model Demonstration Programs

Model demonstration programs that provide an ombudsman to mediate disputes between parents of disabled children and schools are authorized under a new section 641(g). In this program, an ombudsman would be placed in a school to provide an alternative means by which parents of a disabled child and educators and school officials could resolve disputes over the education of the parents' disabled student. The goal of the program is to offer an alternate and effective means to resolve disputes that is less adversarial and threatening to both parents and teachers.

Parents and schools may have differences over several aspects of the education of a disabled student. For instance, there may be a controversy over whether a disabled student's individualized education program should be altered to provide a different set of related services. Although IDEA sets forth formal procedures for resolving such differences, they may be intimidating to parents. Through an ombudsman, these model programs would offer an informal and more congenial way for parents and teachers to talk, and come to an understanding of what is best for the student.

Parents and disabled students that participate in these model programs would still have the formal procedures for resolving differences outlined in Part B of IDEA available to them. Different types of professionals may act as ombudsman under section 641(g). Social workers, parent advocates, and psychologists are specifically mentioned as qualified to act as an ombudsman.

INSTRUCTIONAL MEDIA FOR INDIVIDUALS WITH DISABILITIES--PART F

Part F promotes the use of various media like captioned films and educational media by individuals with disabilities. The significant changes in Part F are an expansion of purpose, and the use of modern technology.

Purposes

Previously, section 651 of IDEA outlined two purposes of Part F. These two purposes have been expanded, and a third purpose has been added. The first purpose--to promote the general welfare of deaf persons--is expanded to include the hard of hearing as well as deaf individuals, and the use of television programs as well as films to promote the general welfare of the deaf and hard of hearing.

The second purpose--to promote the educational advancement of individuals with disabilities--is expanded to include the use of educational media to eliminate illiteracy.

A third purpose is added to promote the general welfare of visually impaired individuals by bringing to these individuals an understanding and appreciation of textbooks, films, television programs, video material, and other publications and materials that play an important part in the general and cultural advancement of those who are not visually impaired; and providing access to television programming and other video materials.

Captioned Films and Educational Media

The amendments expand section 652 loan services for captioned films and educational media to include descriptive videos. A new subsection (d) is added authorizing the Secretary of Education to provide current, free textbooks and other materials to blind and other print-handicapped students through transcribed tapes and cassettes. In addition to the National Theater of the Deaf,

grants to other appropriate nonprofit organizations for providing cultural experiences to enrich the lives of deaf and hard of hearing individuals are authorized.

TECHNOLOGY, EDUCATIONAL MEDIA, AND MATERIALS FOR INDIVIDUALS WITH DISABILITIES--PART G

Part G promotes the use of technology in special education. The amendments specifically allow the use of assistive technology in projects funded under this part, and expand the list of projects authorized in section 661 of IDEA to include those that:

- Increase access to, and use of, assistive technology devices and services in coordination with the Technology-Related Assistance for Individuals with Disabilities Act of 1988, P.L. 100-407;[11] and
- Address the problem of illiteracy among individuals with disabilities.

The Secretary of Education is also required to make certain that new technology, media, and materials utilized with Part G funds are closed captioned for access by the deaf and hard of hearing. Grant recipients must agree to coordinate their activities, as appropriate, with the State agencies responsible for P.L. 100-407.

INFANTS AND TODDLERS WITH DISABILITIES--PART H

Part H authorizes the infants and toddlers State grant program and contains provisions that govern the program. No substantive amendments were made to the grant program. The only changes involve a definition and requirements for a statewide system of early intervention services.

Definitions

The amendments expand the definition of "early intervention services" in section 672 of IDEA to clarify that early intervention services include social work services.

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[11]The Technology-Related Assistance for Individuals with Disabilities Act of 1988, P.L. 100-407, provides assistance to States for programs that improve the availability of technology for all persons with disabilities, not just children and youth. Several other discretionary programs are also authorized. Regulations to implement the law were published in the Aug. 9, 1989 and Aug. 13, 1990 issues of the *Federal Register*. For further information on P.L. 100-407, see: U.S. Library of Congress. Congressional Research Service. *Summary of the Technology-Related Assistance for Individuals with Disabilities Act of 1988, P.L. 100-407*. CRS Report for Congress No. 89-455 SPR, by Bernice S. Reyes. Washington, 1989.

Requirements for Statewide System

The amendments expand the components of the statewide system of early intervention services required in Section 676(b) to include:

Part H authorizes a formula grant program to assist States in developing and implementing a statewide program of early intervention services for infants and toddlers with disabilities under the age of 3 and their families. Part H grants are authorized through FY 1991.

- The development and dissemination of materials for parents on the availability of early intervention services;
- The development of procedures to determine the extent to which primary referral sources disseminate information; and
- Training of primary referral sources to have a efficiently working knowledge of early intervention services available in the State.

APPENDIX

Authorization Levels

TABLE 1. Authorization of Appropriations for Discretionary Grant Programs, FY 1991-FY 1994 (1,000)

Program	FY 1991	FY 1992	FY 1993	FY 1994
Evaluation and special studies[a] (sec. 618)	$12,000	Such sums	Such sums	Such sums
Regional resource centers (sec. 621)	8,525	$9,300	$10,140	$11,052
Deaf-blind projects (sec. 622)	21,900	24,100	26,500	29,200
Early childhood education (sec. 623)	31,400	34,235	37,325	40,705
Severely disabled projects (sec. 624)	9,500	10,500	11,600	12,700
Postsecondary programs (sec. 625)	9,470	10,230	11,050	11,930
Secondary and transitional services (sec. 626)	9,800	10,800	11,900	13,050
Joint projects for transitional services (sec. 626(e))	27,500	30,250	33,275	36,602
Seriously emotionally disturbed (sec. 627)	6,500	8,000	9,500	11,500
Special education personnel training (part D)	94,725	103,255	113,580	123,760
Grants to minority institutions (sec. 631(a)(7))	19,250	21,175	23,293	25,622
Parent training (sec. 631(c))	11,000	12,100	13,300	14,600
Recruitment and information clearinghouses (sec. 633)	2,900	2,465	2,710	2,960

See footnotes at end of table.

TABLE 1. Authorization of Appropriations for Discretionary Grant Programs, FY 1991-FY 1994--Continued
(1,000)

Program	FY 1991	FY 1992	FY 1993	FY 1994
Research and demonstration (part E)	$24,650	$27,400	$30,200	$33,200
Instructional media (part F)	20,010	22,010	24,200	26,600
Technology, media and materials (part G)	11,900	12,860	13,890	15,000

[a]Of funds appropriated, not more than 30 percent may be used for special studies.

Source: P.L. 101-476.

Appropriation Levels

TABLE 2. Appropriations for Discretionary Grant Programs, FY 1991 and Administration FY 1992 Request (1,000)

Program	FY 1991	FY 1992 request
Evaluation and special studies[a] (sec. 618)	$3,904	$3,904
Regional resource centers (sec. 621)	6,620	6,620
Deaf-blind projects (sec. 622)	12,849	12,849
Early childhood education (sec. 623)	24,202	24,202
Severely disabled projects (sec. 624)	7,869	7,869
Postsecondary programs (sec. 625)	8,559	8,559
Secondary and transitional services (sec. 626)	14,639	14,639
Joint projects for transitional services (sec. 626(e))	[b]	[b]
Severely emotionally disturbed (sec. 627)	$1,952	$1,952
Special education personnel training (part D)	69,289	69,289
Grants to minority institutions (sec. 631(a)(7))	[c]	[c]
Parent training (sec. 631(c))	9,759	9,759
Recruitment and information clearinghouses (sec. 633)	1,525	1,525
Research and demonstration (part E)	20,174	20,174
Instructional media (part F)	16,424	16,424
Technology, media, and materials (part G)	5,593	5,593

[a]Of funds appropriated, not more than 30 percent may be used for special studies.

[b]Appropriations for the new joint projects for transitional services apparently included in the appropriation for secondary and transitional services.

[c]Appropriations for the new grants to minority institutions apparently included in the appropriation for special education personnel training.

Sources: U.S. Congress. Committee of Conference. Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1991. House Report No. 101-908, 101st Cong., 2nd Sess., Washington, U.S. GPO, 1990. p. 96; U.S. Department of Education. Press release document for FY 1992 budget request.